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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,998	12/03/2003	Jean Viaud	09131-US	4516

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EXAMINER

GERRITY, STEPHEN FRANCIS

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/726,998

Applicant(s)

VIAUD, JEAN

Examiner

Stephen F. Gerrity

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/3/03 &amp; 6/21/04</u> . | 6) <input type="checkbox"/> Other: ____  |

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**DETAILED ACTION**

***Information Disclosure Statement***

1. Receipt is acknowledged of Information Disclosure Statements, filed 3 December 2003 and 21 June 2004, which have been placed of record in the file. An initialed, signed and dated copy of each of the PTO-1449 forms is attached to this Office action.

***Drawings***

2. The drawings are objected to because:
  - a. in figure 1, the number "4" should be changed to --42-- (see page 6, paragraph 36); and
  - b. in figure 4, the end of the actuating member "54" is shown extended beyond pivoting joint "76" (which is inaccurate) -- the figure should be corrected to show the end of member "54" connected to joint "76".
3. The drawings are also objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "weighing arrangement" (claim 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment

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of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because:

- a. at page 3, paragraph 14, the phrase "controlled a function" should perhaps be changed to --controlled as a function--;

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b. at page 5, paragraph 31, the status of the German patent application should be updated, and if there is a corresponding US patent or patent application, such should be listed;

c. at page 5, paragraph 33, line 2, the word "sown" should be --shown--;

d. at page 6, paragraph 36, line 3, the word "had" should be --head--;

e. at page 7, paragraph 39, line 3, "pulleys" should be changed to --wheels--;

f. at page 9, line 9, the number "42" should be changed to --62--; and

g. at page 11, paragraph 55, the number "4" should be changed to --64--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hood et al. (US 5,822,967) in view of Olin (US 5,263,410).

The Hood et al. reference discloses a large round baler (12 -- figure 9) including a baling chamber (14) having an outlet (through tailgate 22), a further processing arrangement (wrapper 40) being mounted to the baler downstream of the outlet and including a conveying table (48) mounted for movement along a guide arrangement (120) between a first position adjacent the outlet for receiving a bale from the bale chamber (14), and a second position remote from the outlet (see col. 4, lines 53+). The Hood et al. reference meets all of applicant's claimed subject matter with the exception of the guide arrangement including at least one section mounted for being moved into a non-operating position wherein it is within a length dimension defined by a remaining portion of the baler. In the Hood et al. reference the guide arrangement (120) extends beyond the rear of the baler. The Olin reference discloses a baling machine including a bale discharge apparatus (50). It should be noted that the bale discharge apparatus is designed to be pivoted into a non-operating position with a length dimension defined by a remaining portion of the baler (compare figures 1 and 5). It

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would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified the Hood et al. guide arrangement by having provided at least one section of the guide arrangement mounted for being moved into a non-operating position wherein it is within a length dimension defined by a remaining portion of the baler, as suggested by Olin, in order to position a section of the guide arrangement in a location such that it does not extend beyond a rear of the baler, and thereby shorten the length of the combined baler and further processing arrangement.

Regarding claim 2, the Olin reference teaches a first section (52) and a second section (62) coupled to the first portion. The two sections are pivoted with respect to the baler, and the second section vertically pivoting from a horizontal, operating position to a non-operating position. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have further modified the Hood et al. guide arrangement by having provided the guide arrangement (120) with a first section and a second section coupled to the first section for pivoting vertically between a horizontal, operating position and a non-operating

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position, as suggested by Olin, in order to reduce the overall length of the baler and further processing arrangement.

Regarding claim 3, the limitation "wherein said conveying table is supported ..." would be an obvious choice of engineering design, since applicant has not disclosed that supporting the table with the first section solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the table supported by either the first or second section.

Regarding claim 4, the use of weighing equipment as a further processing device is old and well known in the baling art, and OFFICIAL NOTICE is taken that it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention was made, to have provided weighing equipment as part of the further processing arrangement in the now modified Hood et al. baling arrangement, for the self-evident benefit of determining that the bales are within a desired weight range.

Regarding claim 5, the Hood et al. reference discloses that the further processing arrangement is a wrapping arrangement (40) and that the table (cradle 48) is a wrapping table.



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Regarding claim 6, the Hood et al. wrapping arrangement includes an inverted, generally U-shaped, wrap material dispensing arm assembly (102) supported for pivoting about an upright axis (at 100 - see figure 1) located along a longitudinal center plane (see figure 2) of the baler for operation in a region spaced rearwardly of the baling chamber.

***Allowable Subject Matter***

6. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

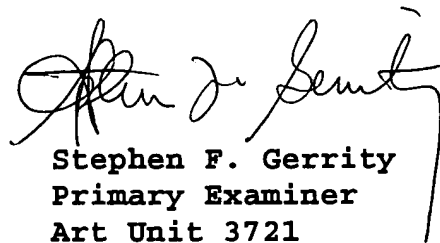
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references listed on the attached form (PTO-892) are cited to show baling machines. All are cited as being of interest and to show the state of the prior art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Gerrity whose telephone number is (571) 272-4460. The examiner can normally be reached on Monday - Friday from 5:30 - 2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Stephen F. Gerrity**  
**Primary Examiner**  
**Art Unit 3721**

31 May 2005